THE HON'BLE MS. JUSTICE G. ROHINI

W.P.No. 22697 of 2005

This writ petition is filed seeking a declaration that the alleged action of respondents 1 to 3 in harassing the petitioner forcing him to enter into a settlement with the 4th respondent in relation to the property which is the subject matter of the civil suit in O.S.No. 59/2005 pending on the file of the IV Additional District Judge, Visakhapatnam as arbitrary and illegal and for a direction to the respondents not to interfere with his personal life and liberty.

The petitioner states that the 4th respondent herein filed a suit in O.S.No. 59/2005 impleading the petitioner as Defendant No.1 seeking a decree for specific performance of an agreement of sale. Pending the said suit, though he sought temporary injunction by filing I.A.No. 673/2005, the civil court by order dated 19-8-2005 declined to grant the relief sought for. However the civil court granted the relief restraining the defendants not to alienate the suit properties to the third parties. Admittedly there is a suit pending. It is alleged that at the instance of the 4th respondent the petitioner is being harassed to enter into a settlement with the 4th respondent and interfering with the personal life and liberty of the petitioner. Hence this writ petition.

In response to Rule Nisi ordered the Sub-Inspector of Police, Anakapalli Town Police Station filed a counter affidavit on behalf of respondents 1 to 3 and 5 denying all the allegations made by the petitioner. However, it is stated that the 4th respondent lodged a complaint with the 1st respondent on 27-8-2005 alleging that they entered into an agreement of sale with the petitioner and that the petitioner and his family members are postponing the registration on one pretext or the other and on 27-8-2005 the 4th respondent along with another person went to the house of the petitioner and thereby the petitioner abused him in filthy language and forcibly and wrongfully confined him in his house and demanded him to sign on some blank

papers and that the petitioner manhandled and hit him. On the basis of the said complaint a case in Cr.No.210/2005 U/ss 341, 384, 323, 506 r/w 34, IPC was registered and investigation was completed and the report will be filed before the competent court. While denying all the allegations made by the petitioner that the 3rd respondent has been visiting the house of the petitioner and threatening his family members, it is stated that except registering the crime against the petitioner on the basis of the complaint made by the 4th respondent and proceeding with the investigation following due process of law, there is no interference with the civil disputes pending between the petitioner and the 4th respondent.

Having regard to the averments made in the counter affidavit, I am of the considered opinion that no adjudication is necessary on merits in the writ petition. Placing the submission of respondents 1 to 3 on record that they are not interfering with civil disputes and the personal life and liberty of the petitioner, the writ petition is disposed of. No costs.

03rd January, 2005

BJ/